

September 17, 2013

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-10 (2013)
COUNTY EXECUTIVE: “Personal Services Adjustment - Management Consultant (CE)”
(5-0)
 - b. COMM. 8E-15 (2013)
COMPTROLLER: “Letter to Legislature Concerning COMM. 6E-10 (2013), "Personnel Services Adjustment - Management Consultant (CE)"”
(5-0)
 - c. COMM. 11M-7 (2013)
NYS DIVISION OF HOMELAND SECURITY & EMERGENCY SERVICES: “Copy of Letter to Administrator of Federal Emergency Management Agency, U.S. Department of Homeland Security, Expressing Support of EC’s Letter Regarding the Department of Homeland Security Office of Inspector General’s Report”
(5-0)
 - d. COMM. 13E-2 (2013)
DIXON: “Letter to County Executive Concerning Director of Veterans’ Services Position”
(5-0)
 - e. COMM. 13D-4 (2013)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
 - f. COMM. 13M-1 (2013)
MAYOR, CITY OF LACKAWANNA: “Letter to Governor Cuomo Concerning 300 Commerce Drive, Lackawanna, NY”
(5-0)
 - g. COMM. 13M-2 (2013)
EC CORRECTIONAL FACILITY NURSES: “Letter to County Executive Concerning Union Wage Scale”
(5-0)

- h. COMM. 14M-5 (2013)
WALES TOWN BOARD: “Copy of Resolution in Support of Resolution Between EC Department of Public Works & Town Regarding Snow Removal Contract”
(5-0)
- i. COMM. 15E-4 (2013)
COUNTY EXECUTIVE: “Appointment of Member of EC Board of Ethics”
(5-0)
- j. COMM. 15D-2 (2013)
COMPTROLLER’S OFFICE: “Follow-Up Letter to Chair of EC Board of Ethics Concerning Review of EC Board of Ethics”
(5-0)
- k. COMM. 15D-7 (2013)
COUNTY ATTORNEY: “Notice of Claims”
(5-0)
- l. COMM. 15D-9 (2013)
DEPUTY COUNTY EXECUTIVE: “Presentation Concerning Investigating the Release of Confidential Information by the Department of Social Services”
(5-0)
- m. COMM. 15D-10 (2013)
DEPUTY COUNTY EXECUTIVE: “Letter to Chair of Government Affairs Committee Concerning Investigating the Release of Confidential Information by the Department of Social Services”
(5-0)
- n. COMM. 15D-11 (2013)
DEPUTY COUNTY EXECUTIVE: “Presentation Concerning Investigating the Release of Confidential Information by the Department of Social Services - Comptroller Obtained DSS Records”
(5-0)
- o. COMM. 15D-12 (2013)
DEPUTY COUNTY EXECUTIVE: “Presentation Concerning Investigating the Release of Confidential Information by the Department of Social Services - Rebuttal Claim of Comptroller Concerning Records Security Issue”
(5-0)

- p. COMM. 15D-14 (2013)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
- q. COMM. 15D-22 (2013)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
- r. COMM. 15D-28 (2013)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
- s. COMM. 15M-4 (2013)
ASSIGNED COUNSEL PROGRAM: “Copy of Quarterly Report for the 2nd Quarter of 2013”
(5-0)
- t. COMM. 15M-5 (2013)
ASSIGNED COUNSEL PROGRAM: “Copy of Financial Report for the Period 1/1/2013 - 6/30/2013”
(5-0)
- u. COMM. 15M-23 (2013)
LAW OFFICE OF W. JAMES SCHWAN: “Notice of Claim - Kaily Giardina-Geary”
(5-0)
- v. COMM. 15M-26 (2013)
EC CORRECTIONAL FACILITY NURSES GROUP: “Letter to County Executive Concerning Job Titles & Union Contracts”
(5-0)
- 2. COMM. 15E-30 (2013)
COUNTY EXECUTIVE

WHEREAS, it is the mission of the Buffalo Erie Niagara Land Improvement Corporation to confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties; and

WHEREAS, section 1616(i) of the New York Not-for-Profit Corporation Law provides that New York Land banks, including the Buffalo Erie Niagara Land Improvement Corporation, may tender a preemptive bid at In Rem tax sales in an amount equal to the total amount of all municipal claims and liens

which were the basis for the judgment and in the event of such tender by a land bank, the property shall be deemed sold to the land bank regardless of any bids by any other third parties; and

WHEREAS, the bid of the land bank shall be paid as to its form, substance, and timing according to such agreement as is mutually acceptable to the plaintiff and the land bank wherein the obligation of the land bank to perform in accordance with such agreement shall be deemed to be in full satisfaction of the municipal claim which was the basis for the judgment.

WHEREAS, it is anticipated that the Buffalo Erie Niagara Land Improvement Corporation will exercise its preemptive bid powers at the upcoming County In Rem 161 tax sale; and

WHEREAS, agreements between the County and the Buffalo Erie Niagara Land Improvement Corporation are necessary to outline the obligations of the land bank and the expected repayment, if any, of the County taxes which were the basis for the judgment; and

NOW, THEREFORE, BE IT

RESOLVED, that the County, through its Director of Real Property Tax Services, is hereby authorized to enter into agreements with the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) which outline the obligations of the Land bank and the expected repayment, if any, of the County taxes which were the basis for the judgment consistent with the Property Tax and Maintenance/Foreclosure Cost Recapture Policy for In Rem 161 and County Tax Liens Transferred to BENLIC in 2013 adopted by the Land bank on September 6, 2013; and be it further

RESOLVED, that to the extent that such agreement results in the repayment of county taxes in the amount less than the amount of County taxes which were the basis for the judgment, pursuant to Section 12-1.0 of the Erie County Tax Act the Director of Real Property Tax Services is hereby authorized to cancel such past due real property taxes

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Erie County Comptroller, County Attorney, Director of Real Property Tax Services and the Buffalo Erie Niagara Land Improvement Corporation.
(5-0)

- 3. COMM. 15E-37 (2013)
COUNTY EXECUTIVE
S.B.L. # 235.20-1-8, 59 North Main St, Angola NY._
91.14-1-14, 44A Windwood Ct, Cheektowaga NY.
113.16-1-2, 3048 William St, Cheektowaga NY.

WHEREAS, real property known as:

S.B.L. # 235.20-1-8, 59 North Main St, Angola NY._
91.14-1-14, 44A Windwood Ct, Cheektowaga NY.
113.16-1-2, 3048 William St, Cheektowaga NY.

have unpaid tax certificates, held by the County of Erie for; and

WHEREAS, the Buffalo Erie Niagara Land Improvement Corporation (hereinafter "BENLIC" or "Land bank") wishes to acquire the tax certificates in an effort to conduct its own foreclosure and acquire title in the name of the Land Bank to the subject property through the tax lien foreclosure procedure established by the Erie County Tax Act; and

WHEREAS, it is the mission of the Buffalo Erie Niagara Land Improvement Corporation to confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties; and

WHEREAS, real property known as:

S.B.L. # 235.20-1-8, 59 North Main St, Angola NY._
91.14-1-14, 44A Windwood Ct, Cheektowaga NY.
113.16-1-2, 3048 William St, Cheektowaga NY.

is distressed, vacant, or abandoned, and is tax-delinquent.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services, is hereby authorized to sell the tax certificates on

S.B.L. # 235.20-1-8, 59 North Main St, Angola NY. for the years 1999 through 2012
91.14-1-14, 44A Windwood Ct, Cheektowaga NY for the years 2010 through 2012
113.16-1-2, 3048 William St, Cheektowaga NY for the years 2004 through 2012 _

to the Buffalo Erie Niagara Land Improvement Corporation for \$1.00 in accord with the provisions of the Erie County Tax Act; and be it further

RESOLVED, that the County, through its Director of Real Property Tax Services, is hereby authorized to enter into an agreement with the Buffalo Erie Niagara Land Improvement Corporation

(BENLIC) which outline the obligations of the Land bank and the expected repayment, if any, of the County taxes which were the basis for the tax certificates consistent with Property Tax and Maintenance/Foreclosure Cost Recapture Policy for In Rem 161 and County Tax Liens Transferred to BENLIC in 2013 adopted by the Land bank on September 6, 2013; and be it further

RESOLVED, that, in the event that the Land bank is the successful bidder at the foreclosure auction,, pursuant to Section 12-1.0 of the Erie County Tax Act the Director of Real Property Tax Services is hereby authorized to cancel such past due real property taxes necessary to satisfy the requirements of Article 13 of the New York Real Property Actions and Proceedings Law and execute a Referee's Deed conveying the property to the Landbank; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Erie County Comptroller, County Attorney, Director of Real Property Tax Services and the Buffalo Erie Niagara Land Improvement Corporation.

(5-0)

THOMAS J. MAZUR
CHAIR